

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

June 28, 2018
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Ms. Jennifer Ruby, Chairperson
Mr. Nathan Andersen, Vice Chairman
Mr. Bruce Burrows
Mr. B.J. Copeland (telephonically)
Mr. Michael Cowley (telephonically)
Ms. Francisca Montoya (telephonically)

MEMBERS ABSENT:

Mr. Greg Arnett
Mr. Broc Hiatt
Mr. Jimmy Lindblom
Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Deputy Director
Ms. Rachel Applegate, Senior Planner
Mr. Derek Scheerer, Planner
Mr. Farhad Tavassoli, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Ms. Emily Craiger, County Attorney

CONTINUANCE:

MCP2017005

CONSENT:

**Z2018004, Z2018012, Z2018023, Z2018024, MCP2018002,
Z2018029, Z2018037, Z2018047**

Meeting called to order at 9:35 a.m.

Chairperson Ruby asked if there were any changes or comments to the April 26 minutes, none.

COMMISSION ACTION: Chairperson Ruby approved the April 26, 2018 minutes as written.

Chairperson Ruby noted item #8, Z2018037 is moving from the consent agenda to the regular agenda.

CONTINUANCE AGENDA

Military Compatibility Permit - MCP2017005

District 4

Applicant: Dan Biswas, SimonCRE Second, LLC

Location: Generally located 200' east of the NEC of Glendale Ave. and 137th Ave. in the Glendale area

Request: Military Compatibility Permit (MCP) with a precise Plan of Development for commercial retail in the C-2 Intermediate Commercial Military Airport and Ancillary Military Facility Overlay Zoning District (MAAMF) – Dollar General

Ms. Applegate presented MCP2017005 and noted staff is recommending a continuance to July 26 due to an error with the legal ad.

COMMISSION ACTION: Commissioner Burrows motioned to continue MCP2017005 to July 26, 2018. Vice Chairman Andersen second. Continued 6-0

CONSENT AGENDA

Special Use Permit - Z2018004

District 1

Applicant: Declan Murphy, Coal Creek Consulting for T-Mobile

Location: Generally located approx. 168' north of the intersection of Gilbert Dr. and Mary St. in the Tempe area

Request: Modification of Condition 'h' of Special Use Permit (SUP) Z2003010 for an addition of a Microwave dish to a Wireless Communication Facility in the IND-2 PD zoning district – Crown Tempe Town Lake

Zoning - Z2018012

District 3

Applicant: Nick Wood, Snell & Wilmer, L.L.P.

Location: Generally located 125' east of the SEC of Carefree Hwy. and 7th St. in the Desert Hills area

Request: Modification of Conditions to the C-2 PD Zoning (cases Z97-48 & Z2006038) to allow the installation of attached signage – Discount Tire

Zoning - Z2018023

District 4

Applicant: Jack Gilmore, Gilmore Planning & Landscape Architecture

Location: Generally located north of Glendale Ave. approx. ¼ mile east of Dysart Rd. in the Glendale area

Request: Zone Change from R-5 RUPD to C-2 – Luke Land Self Storage

Special Use Permit - Z2018024

District 4

Applicant: Jack Gilmore, Gilmore Planning & Landscape Architecture

Location: Generally located approx. ¼ mile east of Dysart Rd. and 440 feet north of Glendale Ave. in the Glendale area

Request: Special Use Permit (SUP) for RV and boat storage facility in the R-5 RUPD zoning district – Luke Land Self Storage

Military Compatibility Permit - MCP2018002

District 4

Applicant: Jack Gilmore, Gilmore Planning & Landscape Architecture

Location: Generally located approx. ¼ mile east of Dysart Rd. and 2,200 feet north of Glendale Ave. in the Glendale area

Request: Military Compatibility Permit (MCP) for a RV and boat storage facility in the R-5 RUPD MAAMF overlay zoning district and within the 65 Ldn – Luke Land Self Storage

Special Use Permit - Z2018029

District 4

Applicant: William Allison, Withey Morris, PLC

Location: Generally located approx. 130' from the NWC of Deer Valley Rd and 87th Ave. in the Peoria area

Request: Special Use Permit (SUP) to operate a Group Care Facility within the Rural-43 Zoning District – Horizon Pediatric Therapy

Special Use Permit - Z2018047

District 5

Applicant: Reese Anderson, Pew & Lake, PLC

Location: South of Indian School Rd. at NEC of 359th Ave. and Weldon Ave. in the Tonopah area

Request: Modification of condition 'k' of Special Use Permit (SUP) – Z99-31– Dave's Arena and Horse Camp

Ms. Applegate presented the consent agenda.

COMMISSION ACTION: Commissioner Burrows motioned to approve the consent agenda, Z2018004 with conditions 'a'-'k', Z2018012 approved modification of conditions to Z97-48 with conditions 'a'-'l' and Z2006038 with conditions 'a'-'m', Z2018023 with conditions 'a'-'g', Z2018024 with conditions 'a'-'g', MCP2018002 with conditions 'a'-'f', Z2018029 with conditions 'a'-'h', and Z2018047 with conditions 'a'-'j'. Vice Chairman Andersen second. Approved 6-0.

Z2018004 conditions;

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "SUN DEVIL AZ0022". Consisting of one (1) full-size sheet, dated May 12, 2003 and stamped by the registered architect May 14, 2003, and stamped received May 15, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Project Narrative" consisting of three (3) pages, stamped received May 15, 2003, except as modified by the following stipulations.
- c. Major changes to the Plan of Development (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by Planning and Development Department staff.

- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- e. A building permit must be issued and final inspections completed within two years. A status report including photographs of the tower and facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first.
- f. No antenna arrays shall be greater than five feet (8') in width and under no conditions will a catwalk type of array be permitted. Failure to comply with this requirement shall constitute non-compliance with the plan of development and shall be considered a zoning code violation. Immediate removal of the offending antenna array shall then be required, and a Major Amendment shall be required before a larger antenna array would be permitted.
- g. The monopole together with all antennas and attachments will not exceed 84' in height as measured from base ground level, minimal in nature.
- h. All cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and be the same color as the tower.
- i. Three additional, future carriers will be allowed with an Administrative Amendment to the Plan of Development, subject to the same stipulations and the ability to locate within the existing ground equipment area. Under these conditions co-location could be administratively approved by staff of the Planning and Development Department.
- j. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Z2018012 / Z97-48 conditions;

- a. Development of the site is to be in accordance with a precise plan, which is generally consistent with the concept narrative report entitled "Narrative Report for southeast corner of 7th Street and Carefree Highway", consisting of three sheets, dated December 8, 1997, and stamped received May 8, 1998, except as modified by the following stipulations.

- b. Development of the site is to be in accordance with a precise narrative report, generally consistent with the concept narrative report entitled "Narrative Report for southeast corner of 7th Street and Carefree Highway", consisting of four pages, dated (revised) December 5, 1997, and stamped received May 8, 1998, except as modified by the following stipulations.
- c. Prior to issuance of any permits for development of any phase or portion of the site, a precise plan of development and narrative report must be approved by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission.
- d. Landscaping of the site shall be generally in conformance with the conceptual landscape plan submitted for this request entitled "Landscape Plan – Zone Change request (Rural-43 to C-2 P.D.) for the SEC of 7th Street and Carefree Highway", consisting of 1 sheet (sheet two of three of the submitted site plan), dated December 8, 1996, and stamped received December 8, 1997. A final landscape plan, along with screening, wall and sign details, shall be submitted along with the precise plan of development and narrative report for any phase or portion of the site.
- e. All buildings shall be architecturally compatible, and shall be finished on all sides. The architectural theme utilized on the site shall be compatible with the surrounding area in conformance with the Carefree Highway Scenic Corrido Study. Architectural details, including building elevations, shall be submitted along with the precise plan of development and narrative report for any phase or portion of the site.
- f. Development of any phase or portion of the site shall be conditioned upon connection to the wastewater treatment facility proposed for the northwest corner of 7th Street and Carefree Highway, or other non-septic provision for wastewater treatment that meets with staff approval. Evidence of an agreement to connect, or other provision, is to be submitted to staff along with the precise plan of Development and narrative report for any phase or portion of the site.
- g. Development of any phase or portion of the site shall include the installation of a dry sewer system to provide for the future connection to any public or private sewer system that is installed within 300 feet of the subject site. In addition, the applicant/property owner agrees to participate in any sewer improvement district formed in the area. Finally, at the time a public or private sewer system is made available to the subject site, the applicant/property owner is to connect to the sewer system and begin the process to discontinue use of the wastewater treatment facility.
- h. Dedication of additional right-of-way to bring the total half-width dedication to 75' for Carefree Highway is to occur within 6 months of approval of this request by the Board of Supervisors, and prior to issuance

of any zoning clearance. Evidence of completion of the required dedication shall be provided to staff for the file by the applicant/property owner.

- i. Development of the site shall include, and the Precise Plan of Development shall reflect, the following:
 - I. Half-street improvements (including paving, curb, gutter, and sidewalk) to Carefree Highway and 7th Street (as required along the site's frontage).
 - II. Driveways are to be located in accordance with the requirements of the Carefree Highway Scenic Corridor Study and the Maricopa County Department of Transportation.
 - III. Site landscaping, parking and screening are to be provided in accordance with the requirements of the Carefree Highway Scenic Corridor Study and Maricopa County.
 - IV. Improvement, grading, drainage, and retention plans, and final drainage report are to be submitted to approved by the Maricopa County Flood Control District.
 - V. A Traffic Impact Report shall be submitted to and approved by the Maricopa County Department of Transportation.
 - VI. All interior parking, driveway and circulation areas are to be paved, with curbing provided.
 - VII. All detached signs shall be monument style signs, designed and constructed to complement the buildings, and shall be multi-tenant signs only. Location, design, size and quantity of all detached signs shall be in accordance with the requirements of the Carefree Highway Scenic Corridor Study and the Zoning Ordinance. Billboards or any similar-type off-site advertising signs shall be prohibited.
 - VIII. All roof-mounted equipment shall be screened by a continuous parapet roof.
 - IX. When possible, all transformers, back-flow prevention devises, utility boxes and all other utility-related, ground-mounted equipment, are to be painted to complement the development and are to be screened with landscape material where possible.
 - X. All trash dumpster enclosures are to be constructed and finished to complement the buildings.

- XI. All outdoor lighting shall conform with Section 2318 of the Maricopa County Zoning Ordinance.
- XII. Development and use of the site is to comply with requirements for fire hydrant placement and other fire protection as deemed necessary by the applicable fire department.
- j. Major changes to the concept plan shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- k. Non-compliance with the conditions of approval will be treated as a violation in accordance with Article XXIX (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Article XXVII, Section 2806 (Conditional Zoning).
- l. Any underground fuel storage tanks on site shall be located outside of the designated plod plain.

Z2018012 / Z2006038 conditions;

- a. Development of the site shall comply with the site plan entitled "Plan of Development for Discount Tire" consisting of four (4) full-size sheets, dated revised May 23, 2018, and stamped received May 25, 2018, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Discount Tire Modification of Conditions Narrative Report", consisting of five (5) pages, dated May 25, 2018, and stamped received May 25, 2018, except as modified by the following stipulations.
- c. All trees shall be double-staked when installed. Landscaping shall be native and Sonoran Desert plant species.
- d. A continuous parapet shall screen all roof-mounted equipment.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Development of the site shall include the installation of a dry sewer system to provide for the future connection to any public or private sewer system that is installed within 300 feet of the subject site. In addition, the applicant and his successors shall participate in the Desert Hills Sanitary Improvement District. Finally, at the time that a public or private sewer system is made available to the subject site, the applicant/property owner is to connect to the sewer system and begin the process to discontinue use of the wastewater treatment facility.
- i. Prior to building permit issuance the owner shall show evidence of water service to the site as deemed appropriate by the Maricopa County Environmental Services Department (MCESD). This may be in the form of an agreement between the owners of Tuscani Pointe allowing connection to their existing water service sharing a meter or guarantee of a new service/tap and meter for connecting to Desert Hills Water Company, or setting up a portable tank/pump system for hauled water temporarily, using an approved water hauler from an approved water source until the new service/tap & meter are available.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Z2018023 conditions;

- a. Development of the site shall comply with the exhibit entitled "Case #Z2018023, Preliminary Site Plan" consisting of 1 full-size sheet, dated May 7, 2018 and stamped received May 7, 2018 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Luke Land Self Storage, R-5 RUPD to C-2", consisting of 9 pages, dated May 7, 2018, and stamped received May 7, 2018, except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter from Rural Metro Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following Planning Engineering conditions shall apply:
 1. The applicant shall provide a total half-width of right-of-way for Glendale Ave. as determined by the City of Glendale.
 2. Construct ultimate half-width improvements on Glendale Ave. as required by the City of Glendale.
- e. The C-2 zoning approval is conditional per Maricopa County Zoning Ordinance Article 304.6. Within five (5) years of Board of Supervisors' approval there shall be administrative approval of a Plan of Development for the commercial site or the zoning may be considered for reversion to R-5 RUPD at public hearing of the Board of Supervisors after recommendation by the Planning and Zoning Commission, unless within such time the property is annexed by the City of Glendale.
- f. Noncompliance with any Maricopa County Regulation or condition of approval shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would

be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Z2018024 conditions;

- a. Development of the site shall comply with the exhibit entitled "Case #Z2018024, Preliminary Site Plan" consisting of 1 full-size sheet, dated May 7, 2018, and stamped received May 7, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Luke Land Self Storage, Special Use Permit", consisting of 10 pages, dated May 7, 2018, and stamped received May 7, 2018, except as modified by the following conditions.
- c. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors (August 1, 2038), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- e. The following Planning Engineering conditions shall apply:
 1. The applicant shall provide a total half-width of right-of-way for Glendale Ave. as determined by the City of Glendale.
 2. Construct ultimate half-width improvements on Glendale Ave. as required by the City of Glendale.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess

the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

MCP2018002 conditions;

- a. Development of the site shall comply with the exhibit entitled "Case # MCP2018002, Preliminary Site Plan" consisting of 1 full-size sheet, dated May 7, 2018, and stamped received May 7, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Luke Land Self Storage, Military Compatibility Permit", consisting of 10 pages, dated May 7, 2018, and stamped received May 7, 2018, except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following Planning Engineering conditions shall apply:
 1. The applicant shall provide a total half-width of right-of-way for Glendale Ave. as determined by the City of Glendale.
 2. Construct ultimate half-width improvements on Glendale Ave. as required by the City of Glendale.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

Z2018029 conditions;

- a. Development of the site shall comply with the Site Plan entitled "8717 W. Deer Valley Rd", consisting of 1 full-size sheets, dated March 5, 2018, and stamped received May 30, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Horizon Pediatric Therapy SUP", consisting of 13 pages, dated May 29, 2018, and stamped received May 30, 2018, except as modified by the following conditions.
- c. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors (August 1, 2048), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The following SUP deviations shall apply:
 - 1. Location of signage for the facility within 4' of the front property line.
 - 2. Location of a 6' wall within the eastern boundary of the property, within a Sight Visibility Triangle.
- e. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- f. The applicant/owner shall obtain Building Permits to retrofit the existing residence to meet current commercial building code requirements as applicable and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the

value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Z2018047 conditions;

- a. Development and use of the site shall be in substantial conformance with the untitled site plan consisting of one 11" x 17" sheet with a second 8-½" x 11" reference page, un-dated but stamped received April 15, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in general conformance with the narrative report entitled "Runner's Arena and Horse Camp", consisting of two pages, stamped received March 30, 1999, as amended by the two-page memo from The Harcuvar Company dated July 20, 2001, except as modified by the following stipulations.
- c. The property owner shall maintain Trailer Coach Park license as required by the Maricopa County Health Code.
- d. The property owner shall take the necessary steps to ensure that dust emissions emanating from the property do not exceed the maximum levels allowed. The property shall be subject to a two-year review period to monitor intensity of said dust emissions. After the two-year review period, the property owner shall make improvements necessary to mitigate said dust levels. A status report to this effect shall be submitted by the applicant to the Planning and Development Department.
- e. There shall be no signage other than what is otherwise allowed in the underlying zoning district. No signs shall be placed within the MCDOT right-of-way. Said signage shall comply with all zoning regulations with respect to size and location.
- f. The property owner shall clean all horse stalls once every other day and shall keep said manure within a tightly closed container. This container shall be hauled from the site on a weekly basis.
- g. This Special Use Permit may continue until either abandoned by the property owner or revoked by the Board of Supervisors. Upon termination of this Special Use Permit, the use of the property must be consistent with the underlying zoning district.
- h. Major changes to the Plan of Development (site plan and narrative) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. For purposes of this Special Use Permit, revisions arising out of the deletion of the RV Parking spaces as discussed in stipulation "c" above may be considered administrative.

- i. Noncompliance with the Plan of Development (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action to reconsider this zoning approval.

REGULAR AGENDA

Zoning - Z2018037

District 3

Applicant: Leodra Bowdell, Phoenix Permit Service, LLC
Location: Generally located 250' north of the NWC of Carefree Hwy. and 7th St. in the Desert Hills area
Request: Modification of Conditions 'a', 'b', 'c', and 'e' to the C-2 PD Zoning (Case #Z98-100 to permit a commercial development without an Improvement District sewer system – 7th Street Commercial Building

Mr. Scheerer presented Z2018037 and noted staff received a letter of support from the New River Desert Hills Community Association (NRDHCA) with an attached e-mail that somewhat conflicted with the approval. There was an error in the staff recommendation for approval, the conditions were labeled as 'a'-'j' and should be 'a'-'i' since condition 'd' was labeled incorrectly as 'e'. Staff is recommending approval with conditions.

Chairperson Ruby said in the report from the Desert Hills Association they expressed approval, but then received a subsequent e-mail from Alan Muller, the co-president. The e-mail was read for clarity for the commissioners on the phone. "Even though as a community association we met with North Mountain, we do not believe that the community as a whole has met with the builders. We would gladly entertain a meeting since most of the residents, who would be affected were not notified. If this is not done, then we would not give our approval. Respectfully, Alan Muller, Co-President NRDHCA."

Chairperson Ruby said it was her understanding from staff the case was properly noticed in accordance with the regulations. There are no speaker cards for public comment and the applicant is here to answer any questions.

The applicant did not wish to speak, and no questions were asked from staff or the commission.

COMMISSION ACTION: Vice Chairman Andersen motioned to approve Z2018037 with conditions 'a'-'i'. Commissioner Burrows second. Approved 6-0.

- a. Development and use of the site shall comply with the conceptual site plan entitled "Carefree New River Neighborhood Center", consisting of 1 sheet, dated January 7, 1999, and stamped received January 28, 1999, excluding parcel number 211-53-062A whereas this parcel is subject to a new site plan dated 9-25-2017, and is inclusive of only this parcel's development, except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled "Carefree Desert Hills Neighborhood Center", consisting of 4 pages, dated (revised) January 8, 1999, and stamped received January 11, 1999, excluding parcel number 211-53-062A whereas this parcel is subject to a new development narrative dated 9-25-2017, which is solely for this parcel, except as modified by the following stipulations.
- c. Any precise plan request shall comply with the Carefree Highway Scenic Corridor study standards, excluding parcel number 211-53-026A with in regards to public Water and Sewer requirements, to be modified to allow on-site septic and private water sources subject to Maricopa County approval.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 - 1. The onsite septic system designs will be submitted to MCESD for approval. Wastewater discharge will consist of typical sewage only, and will not include any motor oil, gasoline, paint, varnish, solvent, pesticide, fertilizer, or other material not generally associated with toilet flushing, food preparation, laundry, or personal hygiene (AAC R18-9-A309.7a).
 - 2. For this zoning case no floor drains allowed for the Veterinary hospitals, clinics and kennels for dogs, cats and small animals.
 - 3. Medical clinics and surgical hospitals for farm animal (horse, cattle and other farm animal) – No floor drains allowed.
 - 4. The owner will abandon the septic systems and connect to a public sewer system when one is available, and participate in a fair share of the public sewer system funding.
 - 5. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan (SWPPP) and obtain approval by MCESD prior to construction. (A separate submittal to MCESD is required.)
 - 6. Upon completion of construction, the owner shall fulfill MCESD post-construction permit requirements. This will include appropriate operation and maintenance requirements.
- f. The property owner shall submit a 'will serve' from the Daisy Mountain Fire Department for fire protection services for the project site. A copy of the

'will serve' letter shall be required as part of the initial construction permit submittal.

- g. At the time of each precise Plan of Development the applicant shall demonstrate compliance with the Carefree Highway Scenic Corridor Study Design Standards.
- h. The following Maricopa County Department of Environmental Services Department (MCESD) conditions shall apply:
- i. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

Chairperson Ruby adjourned the meeting at 9:43 a.m.

Prepared by Rosalie Pinney
Recording Secretary
June 28, 2018